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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,709	01/27/2004	Carmen Rapisarda	01-7342-07	4902

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Glendale, CA 91208

EXAMINER

LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
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2885

MAIL DATE	DELIVERY MODE
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06/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,709

Applicant(s)

RAPISARDA, CARMEN

Examiner

Lee Y Quach

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 6-8, 16, 18 to 21, 25 and 29 to 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 19, 31 and 33 is/are rejected.
- 7) ☒ Claim(s) 1, 3, 4, 6-8, 18, 20, 21, 25, 29, 30 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on March 6, 2007 have been fully considered but they are not persuasive. Applicant argues that Park's switch does not operate as claimed in claim 16 since any movement of said switch will not cause the bar of Park to bridge the contacts 80 and 82, and Park's switch has to be rotated 90 degrees for an electrical signal to be produced.

This is not found persuasive. Claim 16 claims "movement of the switch causes the bar to bridge the contacts". Movement of the switch of Park such as rotated 90 degrees will cause the bar to bridge the contacts which meets the limitation of claim 16. Rejection of claim 16 is maintained and follows.

Claim Objection

2. Claims 1, 3, 4, 6 to 8, 13, 16, 18 to 21, 29 and 33 are objected to because of the following formalities: In claim 1, line 15, the term "said contacts" lacks a clear antecedent basis. It should be changed to --said contact pins--. Claims 3, 4 and 8 depend on objected claim 1 and as such are also objected. In claim 6, lines 14 to 15, the term "said contacts" lacks a clear antecedent basis. It should be changed to --said contact pins--. Line 14, the term "of" should be inserted after the term "length". In claim 7, line 2, the term "housing" is incorrect and should be changed to --means--. Note line 9 of claim 1. Also, in claim 7, line 3, the term "said contacts" lacks a clear antecedent basis and should be changed to --said contact pins--. In claim 16, the status identifier "cancelled" is incorrect and should be changed to a proper current identifier. In claim 18, line 1, the reference numeral "15" should be deleted. In claim 20, line 12, the term "of" should be inserted after the term "length". Also, line 15, the term "said contacts" lacks a clear antecedent basis and should be changed to --said contact pins--. In addition, last line of claim 16, the term "said circuit" lacks a clear antecedent basis. In claim 21, line 12, the term "said bar" lacks a clear antecedent basis and should be changed to --said member--. In claim 29, line 9, there are no clear antecedent bases for "the side wall" and "the interior". They should be changed to --a sidewall-- and --an interior--. Also, on line 10, there is no clear antecedent basis for "the axis" and it should be changed to --an axis--. Claim 13 depends on objected claim 29 and as such is also objected. In claim 33, the last three lines of the limitations should be on a

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separate sheet of paper. Note 37 CFR 1.75(h) where it states that the claims must commence on a separate physical sheet, any sheet including a claim or portion of a claim may not contain any other parts of application. Claim 19 depends on objected claim 33 and as such is also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (prior art previously cited).

Park discloses a power source (88) capable of supplying sufficient power to a light source (66') to cause it to provide illumination and connected to an electrical circuit, a switch connected to the power source responsive to movement of the switch comprising a closed housing (84) having an elongated sidewall and end members (the end walls) closing the ends of the housing, a pair of longitudinal spaced electrical contacts (80, 82) along a wall and extending into the interior of the housing and to the exterior of the housing (figure 9), a member such as a bar (86) of electrical conducting material located within the housing and freely movable within the housing spaced from the contacts and of a length sufficient to span the distance between the contacts even if one end of the bar is in contact with one of the end members (figure 9), and whereby movement (tilted 90 degrees) of the switch causes the bar to bridge the contacts sending an electrical signal to the circuit and causing the light source to be illuminated. With respect to the housing being tubular, it would have been obvious to provide the housing tubular since such a modification would have involve a mere change to the shape of the housing which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to provide different shapes of the housing to accommodate different applications.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park (prior art previously cited).

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Park discloses the invention substantially as claimed with the exception of having the contacts being pins. Note that it would have been obvious to one skilled in the art to provide the contacts with pins, since such a modification would have involve a mere change in the shape and size of the contacts which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to provide the contacts with any desired shape to accommodate different applications in different environments for facilitating and achieving various electrically conductive desired effects.

6. Claims 1, 3, 4, 6 to 8, 20, 21, 25, 29 and 30 would be allowable if rewritten or amended to overcome the objection as set forth in this Office action.

7. Claims 18 and 32 would be allowable if rewritten to overcome the objection as set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Monday to Thursday from 8:30 am to 2:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2815.

Y. Q.
May 25, 2007


Y Quach Lee
Primary Examiner
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